

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

NETJETS LARGE AIRCRAFT, INC., et al.,
Plaintiffs,

v.

Case No. 2:11-CV-1023
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Terence P. Kemp

UNITED STATES OF AMERICA,
Defendant.

OPINION AND ORDER

This matter is before the Court on the United States' emergency motion for a partial stay.
Doc. 72. The motion is **GRANTED** in accordance with this Opinion and Order.

I.

On April 28, 2014, Magistrate Judge Kemp issued an Opinion and Order (the April 28 Order) resolving, for the time being, the parties' underlying discovery disputes in this case. *See* doc. 65. Magistrate Judge Kemp ruled in relevant part that: (1) the United States has thirty days from April 28, 2014 to produce non-privilege documents responsive to Requests 8, 11, 12, 13, 16, 17, and 22, *see id.* at 25–26; (2) Plaintiffs' motion to compel the depositions of the current and former Internal Revenue Service (IRS) employees at issue was granted, *see id.* 25; (3) all discovery is to be completed within sixty days of the date of the April 28 Order, *see id.* at 26; and (4) any additional dispositive motions beyond those already filed shall be filed within ninety days of the April 28 Order, *see id.* Since then, the United States has objected to and moved for reconsideration of several parts of the April 28 Order. *See* doc. 66. Although its motion for

reconsideration has not been fully briefed, the United States now moves for an emergency stay as to some of the obligations imposed by the April 28 Order. According to its brief, the United States specifically requests the following:

a partial stay of its obligations under the April 28, 2014 Opinion and Order, such that the United States will not have to produce the documents in response to document requests 8, 11, 12, 13, 16 and 17, and 22, nor the six current or former IRS employees to give deposition testimony, until the resolution of the objection and motion for reconsideration the United States has filed with the district court judge.

Doc. 72-1 at 3.

The United States supports its request for a partial stay with four arguments. First, it argues that Plaintiffs “cannot identify any harm that would justify the denial of a stay.” *Id.* at 4 (citing *Dayco Prods., Inc. v. Walker*, 142 F.R.D. 450, 454 (S.D. Ohio 1992)). Second, the United States argues that a stay would not prejudice Plaintiffs, as Plaintiffs had already filed motions for summary judgment prior to the ruling on the motions to compel and for a protective order—meaning that “the materials sought by the motions for compel were not sufficiently important to the Plaintiffs to be included in a [prior filed] motion for summary judgment.” Doc. 72-1 at 4–5. Third, the United States argues that the April 28 Order required certain action within thirty days of its issue, but also provided for a briefing schedule for objections that would take longer than the thirty-day window. Fourth, the United States seeks a stay because it would be “unable to timely complete the tasks that it was ordered to complete within the 30-day time frame” imposed by the April 28 Order. *Id.* at 5.

II.

The Court has broad discretion as to whether or not to stay discovery. *See Cochran v. United Parcel Serv., Inc.*, 137 F. App’x 768, 772 (6th Cir. 2005) (“We review a district court’s

decision to stay discovery for an abuse of discretion.”). For good cause shown, the Court grants the United States’ motion for a partial stay of discovery. Accordingly, the United States will not have to produce the documents in response to document requests 8, 11, 12, 13, 16, 17, and 22 until after the resolution of the United States’ pending objection and motion for reconsideration; nor will the six current or former IRS employees have to give deposition testimony until after the resolution of the same.

The Court notes that this Opinion and Order does not change any of the other deadlines imposed by the April 28 Order. *See* doc. 65 at 25 (“All discovery shall be completed within 60 days of the date of this order, and any additional dispositive motions shall be filed within 90 days of the date of this order.”). The Court also orders the United States to submit its reply to Plaintiffs’ response regarding the United States’ objection and motion for reconsideration no later than Tuesday, June 3, 2014.

III.

For the reasons stated, the United States’ emergency motion for a partial stay, doc. 72, is **GRANTED** in accordance with this Opinion and Order. The Court also **ORDERS** the United States to submit a reply brief as to its motion for reconsideration no later than **Tuesday, June 3, 2014**.

IT IS SO ORDERED.

5 - 28 - 2014

DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE